

## United States District Court

**FILED**

JUL 31 2008

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

v.

CRIMINAL COMPLAINT

**MEJ**

Kevin Demar McConico

CASE NUMBER:

3 08 7049

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 29, 2008, in the City and County of San Francisco, California, defendant did, by force and violence and by intimidation take from the person and presence of another and obtain by extortion money belonging to, and in the care, custody, control, management, and possession of, a bank,

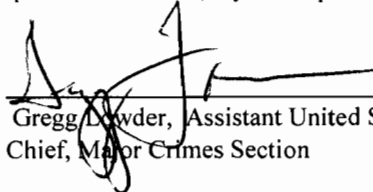
in violation of Title 18 United States Code, Section(s) 2113 (a) - Bank Robbery

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:

See affidavit of SA Richard G. Anderson, attached hereto and fully incorporated herein.


Penalty: 20 years imprisonment; \$250,000 fine, \$100 special assessment, 5 years supervised release

Approved as to form:

  
Gregg L. Powder, Assistant United States Attorney  
Chief, Major Crimes Section

Continued on the attached sheet and made a part hereof: ☒ Yes

☐ No

  
Signature of Complainant  
Richard G. Anderson, Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

7-31-08

Date

at San Francisco, California

City and State

Maria Elena James, United States Magistrate Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

**AFFIDAVIT OF RICHARD G. ANDERSON IN SUPPORT OF CRIMINAL COMPLAINT**

I, Richard G. Anderson, being duly sworn, depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed in that capacity for approximately nineteen years. My primary responsibility is the investigation of violent crimes, including bank robberies.

2. This affidavit is made in support of an application for a criminal complaint against Kevin Demar McConico for violation of 18 U.S.C. § 2113(a), which prohibits bank robbery. There is probable cause to believe that on Tuesday, July 29, 2008 at approximately 12:10 PM, Kevin Demar McConico entered the Wells Fargo Bank located at 4045 24TH Street in San Francisco, stood in the teller line, and attempted to rob the institution with a bank robbery demand note. No loss was sustained by the institution, but a portion of the bank robbery demand note was left at the bank. Forensic fingerprint analysis of the portion of the demand note revealed a fingerprint belonging to McConico, identifying McConico as the person responsible for the attempted robbery.

3. There is also probable cause to believe that on Tuesday, July 29, 2008 at approximately 1:20 PM, following the aforementioned attempted bank robbery, Kevin Demar McConico entered the Bank of America located at 15 Ocean Avenue in San Francisco, stood in the teller line, then approached the bank teller and demanded money from the teller. The robber threatened a weapon and the teller complied with the demand, giving money to the robbery. The robber exited the bank and was not further seen.

4. The robber in the attempted robbery of the Wells Fargo Bank and the robbery of the Bank of America appear to be the same individual based, among other things, upon the identical distinctive clothing worn by the robber in each robbery. Both robberies occurred approximately one hour and 10 minutes apart from each other. The two institutions are approximately two miles from each other.

5. The purpose of this affidavit is to set forth facts establishing probable cause in support of a criminal complaint against Kevin Demar McConico. The information contained in

1 this affidavit is based either on my own personal knowledge or on information provided to me by  
2 other law enforcement agents and officers. Not all facts known to me are necessarily contained  
3 in this affidavit. The affidavit is limited to the facts relevant and necessary to establish probable  
4 cause for the requested criminal complaint.

5 **APPLICABLE STATUTE**

6 6. Title 18 U.S.C. § 2113(a) provides in relevant part that:

7 Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the  
8 person or presence of another, or obtains or attempts to obtain by extortion any property  
9 or money or any other thing of value belonging to, or in the care, custody, control,  
10 management, or possession of, any bank, credit union, or any savings and loan  
11 association ... [s]hall be fined under this title or imprisoned not more than 20 years, or  
12 both.

13 **FACTS SUPPORTING PROBABLE CAUSE**

14 7. On Tuesday, July 29, 2008, at approximately 12:10 p.m., a lone black male,  
15 hereinafter referred to as the robber, entered the Wells Fargo Bank, located at 4045 24TH Street  
16 in San Francisco and stood in the teller line. The robber then approached a bank teller and  
17 presented a bank robbery demand note without saying a word. The teller immediately grabbed  
18 the demand note and attempted to take it from the robber's hand. The robber struggled to retain  
19 the demand note and was able to keep the majority of the note, however the bank teller was able  
20 to retain a small portion of the demand note. At that point, the robber turned and exited the bank.

21 8. No loss was sustained by the institution. On the day of the robbery, the deposits of  
22 the Wells Fargo Bank, 4045 24TH Street in San Francisco were insured by the Federal Deposit  
23 Insurance Corporation (FDIC).

24 9. The victim teller described the robber as a black male close to 30 years of age,  
25 approximately 6' in height with a slim build. He described the robber's hair as black with  
26 "dreads" and sporting a slight goatee. He said the robber wore a black baseball cap with gold  
27 skulls, black pants, and a long sleeve shirt with a Bentley or Chrysler 300 logo (wings) on the  
28 front.

10. While the robbery occurred, video surveillance cameras were in operation at the  
Wells Fargo Bank. Color video photographs of excellent quality were obtained from the

1 continuously running video that recorded the events during the attempted robbery. The  
2 photographs depict a black male wearing dark blue jeans, a black shirt with a light colored logo  
3 in the form of "wings" and a dark baseball cap with light colored skulls and crossbones on the  
4 cap. The individual also has dark hair under the cap, a slight goatee, and is wearing sunglasses.  
5 The victim teller identified the individual depicted in the bank surveillance camera photographs  
6 as the person who attempted to rob the bank on July 29, 2008.

7 11. On July 29, 2008, following the attempted robbery of the Wells Fargo Bank, 4045  
8 24TH Street in San Francisco, the San Francisco Police Department Crime Scene Investigation  
9 (CSI) Unit arrived at the scene and processed the scene for physical evidence. The CSI Unit then  
10 took custody of the partial note left behind by the bank robber. The portion of the bank robbery  
11 note was transported to the San Francisco Police Department Crime Lab for processing.

12 12. Later the same day on July 29, 2008, approximately one hour and ten minutes  
13 following the attempted bank robbery of the Wells Fargo Bank, 4045 24TH Street in San  
14 Francisco, the same individual entered the Bank of America, 15 Ocean Avenue in San Francisco.  
15 The Bank of America is located approximately 2 miles from the Wells Fargo Bank.

16 13 On Tuesday July 29, 2008 at approximately 1:22 p.m. a lone black male,  
17 hereinafter referred to as the robber, entered the Bank of America, 15 Ocean Avenue in San  
18 Francisco and stood in the teller line. The robber then approached a bank teller and placed a bank  
19 robbery demand note on the counter. The teller advised the note contained several handwritten  
20 lines but only recalled the threat of "I have a gun!" written on the note. The robber then stated  
21 "Hurry up, you're taking too long!" The teller replied he did not know what the robber wanted  
22 and the robber replied "You damn well know!" at which time he reached for his waist band,  
23 simulating a weapon, and stated "I'm not playing!" The victim teller complied with the demand  
24 and removed United States currency from his teller drawer and placed the money onto the teller  
25 counter. After taking the money, the robber stated "That's not enough! I want more!" The teller  
26 again complied with the demand and placed additional U.S. currency onto the teller counter. The  
27 robber grabbed the money and turned to exit the bank. the robber was not further seen.

28 14. Bank of America conducted an audit immediately after the robbery and concluded



1 the robber obtained approximately \$660.00 in United States currency from the robbery. On the  
2 day of the robbery, the deposits of the Bank of America, 15 Ocean Avenue in San Francisco were  
3 insured by the Federal Deposit Insurance Corporation (FDIC).

4 15. The victim teller described the robber as a black male, approximately 22-25 years  
5 of age. He described his hair as black with little dread locks, and slight facial hair growth. He  
6 also described him as approximately 6' - 6'2" in height and approximately 160 lbs. in weight. The  
7 teller stated the robber wore sunglasses, a black baseball cap with white skulls and crossbones,  
8 and a black long sleeve t-shirt with a gold colored "wings" emblem on the front.

9 16. While the robbery occurred, video surveillance cameras were in operation at the  
10 Bank of America. Black and white video photographs of excellent quality were obtained from  
11 the continuously running video that recorded the events during the robbery. The photographs  
12 depict a black male wearing a dark colored baseball cap with skulls and crossbones, a long sleeve  
13 t-shirt with light colored "wings" logo on the front, and dark sunglasses. The clothing is identical  
14 to the clothing worn by the robber in the earlier attempted Wells Fargo robbery. The robber  
15 appears to have a slight amount of facial hair. The victim teller identified the individual depicted  
16 in the bank surveillance camera photographs as the person who robbed the bank on July 29,  
17 2008.


18 17. Later in the day on July 29, 2008 the portion of the bank robbery demand note left  
19 behind at the Wells Fargo Bank, 4045 24TH Street in San Francisco was processed for physical  
20 evidence. Following the examination of the portion of the bank robbery note, a latent fingerprint  
21 was developed. The developed fingerprint was submitted to the Automated Fingerprint  
22 Identification System (A.F.I.S.) for comparison. The A.F.I.S. fingerprint comparison resulted in  
23 the identification of Kevin Demar McConico, black male, date of birth September 12, 1973 (35  
24 yrs of age), as the person whose fingerprint appears on the portion of the bank robbery demand  
25 note left at the Wells Fargo Bank, 4045 24TH Street in San Francisco on July 29, 2008.

26 18. On July 31, 2008, Kevin Demar McConico was detained at the San Francisco Hall  
27 of Justice, 850 Bryant Street, San Francisco, California. McConico was scheduled to appear at  
28 the San Francisco Hall of Justice on an unrelated matter. McConico was taken to the San

1 Francisco Police Department (SFPD) Robbery Detail inside the Hall of Justice for interview.  
2 Prior to interview, McConico stated he wanted to speak with his attorney. Following McConico's  
3 request, attorney Jacque M. Wilson, Deputy Public Defender and Jose Gonzalez, Deputy Public  
4 Defender for the City and County of San Francisco, California were contacted and advised of  
5 McConico's request to speak with an attorney. Jacque M. Wilson and Jose Gonzalez presented  
6 themselves at the SFPD Robbery Detail where they were given access to McConico prior to  
7 interview. McConico was then advised as to the nature of his detention and subsequently  
8 informed of his Miranda Rights as per FBI form FD-395, in the presence of Jacque M. Wilson  
9 and Jose Gonzalez. McConico invoked his Miranda rights, at which time the interview of  
10 McConico was terminated.

11  
12  
13 **CONCLUSION**

14 17. Based upon the foregoing facts, there is probable cause to believe that Kevin  
15 Demar McConico, date of birth 09/12/1973 attempted to rob the Wells Fargo Bank, 4045 24TH  
16 Street, San Francisco, California; and robbed the Bank of America, 15 Ocean Avenue, San  
17 Francisco, California on Tuesday, July 29, 2008, in violation of 18 U.S.C. § 2113(a).

18  
19   
20 RICHARD G. ANDERSON  
21 Special Agent  
22 Federal Bureau of Investigation

23 Subscribed and sworn to before me  
24 this 31 day of July, 2008.

25   
26 HON. MARIA ELENA JAMES  
27 United States Magistrate Judge  
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